Exhibit A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No. 6965
Wachendorff-Neumann *et al.*	Art Unit. 1627
Appl. No.: 10/573,066	Examiner: Pihonak, Sarah
§ 371 (c) Date. October 24, 2006	Atty. Docket. 2400 0230000/RWE/PDL
For: **Synergistic Fungicidal Active Substance Combinations**	

Declaration of Peter Dahmen Under 37 C.F.R. §1.132

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

I, Peter Dahmen, of Altebrücker Str. 61, 41470 Neuss, Germany, a citizen

of Germany, hereby declare:

     1.   I received the degree of Dr. agr. from the University of Bonn, Germany;

     2.   that I entered the employment of Bayer AG in 1991 and am now employed by Bayer CropScience AG;

     3.   that I am now working in the department of Global Biology Fungicides, Bayer CropScience AG;

     4.   that I have specialized in the field of fungicide research;

     5.   that I am named as an inventor in U.S. Patent Application No. 10/573,066 ("Application"), which has been assigned to Bayer CropScience AG,

     6.   that I have read and understand the specification and claims of the Application,

     7   that (1-1) bixafen (recited in the Application on page 41, line 16, as

N-(3',4'-dichloro-5-fluoro-1,1'-biphenyl-2-yl)-3-(difluoromethyl)-1-methyl-1H-pyrazole-

4-carboxamide), (3-15) prothioconazole, and (3-17) tebuconazole, described in the Application, were tested as described in the Example below;

     8   that the Example below, entitled "Septoria tritici-test (wheat) / preventive" was carried out under my supervision and direction;

     9.   that the expected activity for a given combination of two active compounds can be calculated as follows (cf. Colby, S.R., "Calculating Synergistic and Antagonistic Responses of Herbicide Combinations," *Weeds* 1967, *15*, 20-22).

     If

     X   is the efficacy when active compound A is applied at an application rate of m ppm (or g/ha),

     Y   is the efficacy when active compound B is applied at an application rate of n ppm (or g/ha),

     E   is the efficacy when the active compounds A and B are applied at application rates of m and n ppm (or g/ha), respectively, and

     then

$$E = X + Y - \frac{X \cdot Y}{100};$$

     10.   that the degree of efficacy, expressed in % is denoted: 0 % means an efficacy which corresponds to that of the control while an efficacy of 100 % means that no disease is observed; and

11   that if the actual fungicidal activity exceeds the calculated value, then the
activity of the combination is superadditive, i.e a synergistic effect exists

12   Example: **Septoria tritici-test (wheat) / preventive**

Solvent:	7 parts by weight dimethylformamide
Emulsifier:	2 parts by weight alkylarylpolyglycolether

To produce a suitable preparation of active compound, 1 part by weight of active com-
pound or active compound combination is mixed with the stated amounts of solvent and
emulsifier, and the concentrate is diluted with water to the desired concentration   To test
for preventive activity, young plants are sprayed with the preparation of active com-
pound or active compound combination at the stated rate of application. After the spray
coating has been dried, the plants are sprayed with a spore suspension of *Septoria tritici*
The plants remain for 48 hours in an incubation cabinet at approximately 20°C and a
relative atmospheric humidity of approximately 100% and afterwards for 60 hours at ap-
proximately 15°C in a translucent incubation cabinet at a relative atmospheric humidity
of approximately 100%. The plants are placed in the greenhouse at a temperature of ap-
proximately 15°C and a relative atmospheric humidity of approximately 80%   The test
is evaluated 21 days after the inoculation 0% means an efficacy which corresponds to
that of the untreated control, while an efficacy of 100% means that no disease is ob-
served. The table below clearly shows that the observed activity of the active compound
combination according to the invention is greater than the calculated activity, i.e. a syn-
ergistic effect is present.

Table

Septoria tritici-test (wheat) / preventive

Active compounds	Application rate of active compound in ppm a.i.	Efficacy in %	
		found*	calc **
(1-1) Bixafen	10	0	
(3-15) Prothioconazole	100	57	
(3-17) Tebuconazole	100	57	
(1-1) + (3-15) 1:10	10 + 100	71	57
(1-1) + (3-17) 1:10	10 + 100	86	57

*   found = activity found
**   calc   = activity calculated using Colby's formula

13   The undersigned declares further that all statements made herein of his/her

own knowledge are true and that all statements made on information and belief are be-

lieved to be true; and further that these statements were made with the knowledge that will-

ful false statements and the like so made are punishable by fine or imprisonment, or both,

under Section 1001 of Title 18 of the United States Code and that such willful false state-

ments may jeopardize the validity of the application or any patent issuing thereon.

Signed at Monheim, Germany,

_2010 - 12 - 13_ _____   _Pet (D_____

Date   Signature
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